



PATENT  
Attorney Docket No. 26786-520 NATL

## COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if only one name is listed herein below), or an original, first and joint inventor (if multiple names are listed herein below), of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### **VERTEBRAL BODY REPLACEMENT CAGE ASSEMBLY**

which is described and claimed in:

the specification in International PCT Application No. PCT/US2004/040244, filed on December 02, 2004 and nationalized in the United States under Application U.S. Serial No. 10/579,661, filed on May 17, 2006.

the specification attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Appln. Number	Country (if PCT, so indicate)	Filing Date (dd/mm/yy)	Priority Claimed	
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, § 119(e) or §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<b>Application No. (U.S.S.N.)</b>	<b>Filing Date (dd/mm/yy)</b>	<b>Status (Patented, Pending, Abandoned)</b>
60/526,241	02/12/03	Abandoned

PCT International Applications designating the United States:

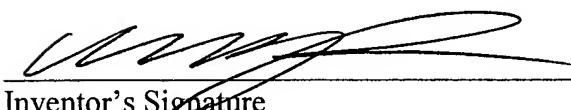
<b>PCT International Application No.</b>	<b>PCT Filing Date</b>	<b>Status</b>
PCT/US2004/0040244	02.12.2004 02 December 2004	Pending

I hereby appoint the Practitioners associated with (i) Customer Number **35437**, all of MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C., Chrysler Center, 666 Third Avenue, 24<sup>th</sup> Floor, New York, New York 10017 and (ii) Customer Number **30623**, all of MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C., One Financial Center, Boston, Massachusetts 02111, as Applicants' attorneys and/or agents with full power of substitution and revocation to prosecute this application, to take any and all action necessary and to conduct all business in the United States Patent and Trademark Office and in any corresponding Patent Office during prosecution under the Patent Cooperation Treaty with regard to the above-identified patent application.

Please address all telephone calls and correspondence to:

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
Chrysler Center  
666 Third Avenue, 24<sup>th</sup> Floor  
New York, New York 10017  
Telephone: (212) 935-3000  
Facsimile: (212) 983-3115  
Customer No. **35437**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.



Inventor's Signature

11/19/07

Date

Full Name of Inventor: Michael Prosser

Citizenship: United States of America

Residence: ~~5166 Whitman way #208 1009 Tournaline st #3~~

~~Carlsbad, California 92008~~ San Diego CA 92109

Post Office Address: Same as Residence Address

*MDP 11/19/07*